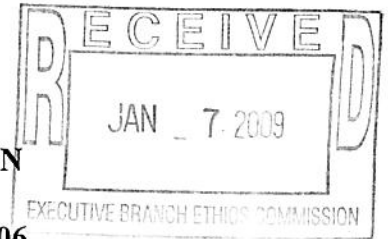


**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
AGENCY NO. 08-008
ADMINISTRATIVE ACTION NO. 08-EBEC-0306**



EXECUTIVE BRANCH ETHICS COMMISSION

COMPLAINANT

vs. **RECOMMENDED ORDER OF FAILURE TO PARTICIPATE**

LEELA FLOWERS

RESPONDENT

* * * * *

Currently before the Hearing Officer is the Complainant's Motion for Recommended Order of Default. The Motion accurately describes the history of this matter. Ms. Flowers failed to attend the last two prehearing conferences. In addition Ms. Flowers has failed to respond in writing to the motion as required in the Order of December 8, 2008. Ms. Flowers' Response was to have been served on or before December 19, 2008.

The Hearing Officer concludes that Ms. Flowers has failed to participate under KRS 13B.080(6). It is further found that the facts as stated in the Initiating Order and Formal Complaint are accurate and those facts state a violation of KRS 11A.020(1)(c) and KRS 11A.040(2). The penalty recommended by the Counsel for the Complainant is fair and appropriate.

Having been sufficiently advised, IT IS HEREIN RECOMMENDED that:

- (1) Leela Flowers is in default under KRS 13B.080(6).
- (2) Leela Flowers has violated KRS 11A.020(1)(c) and KRS 11A.040(2).
- (3) Within 30 days of the Final Order of the Executive Branch Ethics Commission, Leela Flowers is to pay a civil penalty of \$500.00 calculated on the basis of \$250.00 for each of the two statutory violations.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110 (4) you have the right to file exceptions to this recommended decision:

(4) A copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

You have a right to appeal the Final Order of the agency pursuant to KRS 13B.140 which reads in part:

(1) All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." The Court of Appeals has suggested that an appeal to circuit court is commenced upon the filing of the appeal petition and the issuance of a summons within the 30-day time period for filing an appeal.

SO RECOMMENDED this 6th day of January, 2009.



SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 6th day of January, 2009, by messenger mail, to:

DEBBIE BRISCOE
EXECUTIVE ASSISTANT
EXECUTIVE BRANCH ETHICS COMM
#3 FOUNTAIN PLACE
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

LEELA FLOWERS
200 SMOOT LANE
FRANKFORT KY 40601

and, by messenger mail, to:

DANA COX NICKLES
GENERAL COUNSEL
EXECUTIVE BRANCH ETHICS COMM
#3 FOUNTAIN PLACE
FRANKFORT KY 40601



DOCKET COORDINATOR

080306fc.ssd.wpd